



ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

DEC 2 2011

MEMORANDUM FOR SECRETARY OF THE NAVY

SUBJECT: Secretary of the Navy Advisory Panel – Membership Balance Plan and
Charter Renewal Approval

The membership balance plan (TAB A) and the renewed charter (TAB B) for the Secretary of the Navy Advisory Panel (hereafter referred to as the “Panel”) are approved. A copy of the Panel’s charter will be provided to the Panel and its Designated Federal Officer (DFO) once my Advisory Committee Management Officer (ACMO) files the charter with the Library of Congress, the congressional oversight committees, and the General Services Administration.

As part of the charter renewal process, this office, in consultation with the Department of Defense Office of General Counsel (DoD OGC), has reaffirmed that all individuals appointed to the Panel, once approved by the Secretary of Defense, shall be appointed as special government or regular government employee members, as appropriate. The following points apply:

- (a) Individual members approved for appointment or renewal by the Secretary of Defense who are not full-time or permanent part-time federal officers or employees shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109 and serve as special government employee members. Those who are full-time or permanent part-time federal officers or employees shall be appointed as regular government employee members.
- (b) Each member shall be notified in writing of the Secretary of Defense’s approval decision. In preparing your appointment or renewal of appointment letters, the Panel’s DFO should consult the ACMO and DoD OGC, to include the Standards of Conduct Office. At a minimum, the letters shall contain the following:
 - i. That their appointment to serve on the Panel is without compensation, with the exception of travel and per diem.
 - ii. That they are appointed as special government or regular government employee members, as appropriate.
 - iii. An explanation of the difference between special government employees and representative members, and a summary of the applicable ethics requirements, to include whether they are required to file a Confidential Financial Disclosure Report.

As the Panel’s DoD Sponsor, you are responsible for:

- (a) Ensuring that the Panel’s DFO attends all Panel and subcommittee meetings for the entire duration of each and every meeting.
- (b) Ensuring that the DFO and the Panel fully comply with all governing federal statutes and regulations, to include DoD Instruction 5105.04, “Department of Defense Federal Advisory Committee Management Program.”

- (c) Ensuring that all Panel and subcommittee work is based upon written tasks or terms of reference assigned to the Panel by the Secretary of Defense, the Deputy Secretary of Defense or you, as the sponsor. All tasks or terms of reference are subject to public review and, at a minimum, shall include:
- i. A description of the problem or policy to be analyzed and the DoD decision maker for the matter(s) under consideration.
 - ii. Authority for the Panel members to have access to DoD officials and DoD data that is pertinent to the matter(s) under consideration.
 - iii. A budget limitation under which the Panel members must operate.
 - iv. A date by which the Panel or subcommittee must submit its written conclusions (advice and recommendations) to the DoD decision maker.
- (d) Providing adequate support to the Panel and its membership, and ensuring that the Panel's membership is not unduly or inappropriately influenced by federal employees or any special interest group.
- (e) Ensuring that the Panel members are appointed according to DoD policy and that they do not serve on the Panel until all personnel and ethics paperwork is processed by the appropriate offices.
- (f) Ensuring that all DoD and other agency documents provided to the Panel are marked according to governing DoD policy and procedures.
- (g) Monitoring the implementation status of any recommendation adopted by the DoD or the Congress, and ensuring that this information is available for future inquiries.

I support the recommended changes to your discretionary advisory committees, to include the Panel; however, we cannot make changes until the Secretary of Defense makes his final decisions on all the discretionary advisory committees. When that happens and, assuming he supports your recommendations, we will modify the Panel's charter and prepare membership balance plans for the Panel subcommittees; membership balance plans are required for all subcommittees that last longer than 60 days.

If you should have any questions about the Department's program, the federal governance and compliance requirements, the charter renewal, or the membership balance plan, please contact the Acting ACMO, Mr. Jim Freeman at James.Freeman@osd.mil or by phone at 703-692-5952.



Michael L. Rhodes
Director

Attachments:
As stated